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LYNN FAZZ
CLERK OF SUPERIOR COURT
ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

**REVISION OF
CASE ASSIGNMENTS FOR THE
SUPERIOR COURT IN YUMA
COUNTY, ARIZONA,
EFFECTIVE APRIL 16, 2018,**

Administrative Order
2018-5

This Administrative Order amends and supersedes all previous Administrative Orders pertaining to calendar and case assignments for the Superior Court, in and for the County of Yuma.

IT IS THEREFORE ORDERED, effective **April 16, 2018**, and until further order of the Presiding Judge, assignments for the Judges and Commissioners of the Yuma County Superior Court shall be/remain as set forth below:

- (1) Mark Wayne Reeves shall remain assigned to Division One;
- (2) John Paul Plante shall remain assigned to Division Two;
- (3) Larry Kenworthy shall remain assigned to Division Three;
- (4) David M. Haws shall remain assigned to Division Four;
- (5) Roger A. Nelson shall remain assigned to Division Five;
- (6) Brandon S. Kinsey shall be assigned to Division Six;
- (7) Kathryn Stocking-Tate shall remain assigned as Commissioner One;
- (8) Stephen J. Rouff shall remain assigned as Commissioner Two; and
- (9) Levi Gunderson shall remain assigned as Commissioner Three.

1 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
2 Presiding Judge, all felony criminal complaints filed in Justice Court shall be assigned
3 by Justice Court according to the numbering system below, using the JUSTICE
4 COURT case number. All cases which originate in a manner *other than by way of a*
5 *felony complaint being filed in Justice Court*, shall be assigned by the Clerk of the
6 Superior Court according to the numbering system below, using the SUPERIOR
7 COURT case number. (All co-defendant cases shall continue to be assigned to the
8 same Superior Court division. In order to facilitate this procedure, the Yuma County
9 Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints
10 when filing co-defendant cases in Justice Court.)
11

12 (1) All numbered cases, the last digit of which number is "0" or "1" to
13

14 Division Four;

15 (2) All numbered cases, the last digit of which number is "2", "3", "4" or "5" to
16

17 Division Five;

18 (3) All numbered cases, the last digit of which number is "6", "7" or "8" to
19

20 Division Six;

21 (4) All numbered cases, the last digit of which number is "9" to
22

23 Commissioner Two;

24 **IT IS ORDERED**, as to all criminal cases filed *prior to April 16, 2018*:
25

26 (1) All open criminal cases presently assigned to the Honorable David M.
27 Haws, Division Four, shall remain assigned to the Honorable David M.
28 Haws, Division Four.

 (2) All open criminal cases presently assigned to the Honorable Roger A.
 Nelson, Division Five, shall remain assigned to the Honorable Roger

1 A. Nelson, Division Five.

2 (3) All open criminal cases presently assigned to the Honorable Brandon S.
3 Kinsey, Division Six, shall remain assigned to the Honorable Brandon
4 S. Kinsey, Division Six.

5 (4) All open criminal cases presently assigned to the Honorable Stephen J.
6 Rouff, Commissioner Two, shall remain assigned to the Honorable
7 Stephen J. Rouff, Commissioner Two.
8

9 **IT IS ORDERED**, that all criminal cases *in which a defendant was originally*
10 *sentenced by a judge who is active and sitting as designated* in Division One,
11 Division Two, Division Three, Division Four, Division Five, and Division Six, or by
12 Commissioner One, or Commissioner Two, or Commissioner Three, (or the case has
13 been assigned to one of the above by administrative or written order), shall continue
14 to be assigned to that judge for all **Post-Conviction Relief** proceedings.
15

16 **IT IS ORDERED**, beginning **April 16, 2018**, that all criminal cases in which a
17 defendant was originally sentenced by a judge *other than* the Honorable David M.
18 Haws, the Honorable Roger A. Nelson, the Honorable Brandon S. Kinsey, and the
19 Honorable Stephen J. Rouff, *if reopened*, shall be reassigned to another division by
20 written order. Such reassignments may include, but are not limited to, Petitions for
21 Violation of Probation, Petitions for Restoration of Civil Rights, and Petitions to Modify
22 Probation.
23
24

25 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
26 Presiding Judge, the regular **CRIMINAL CALENDARS** (other than jury trials) shall be
27 held as follows:
28

1 Comm. Two: **Tuesday**-8:30 a.m. to Noon and
2 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

3 Division Four: **Wednesday**-8:30 a.m. to Noon and
4 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

5 Division Six: **Wednesday**-8:30 a.m. to Noon and
6 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

7 Division Five: **Thursday**-8:30 a.m. to Noon and
8 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

9 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
10 Presiding Judge, the regular **CRIMINAL ADD-ON CALENDARS** shall be held as
11 follows:

12 **MONDAY:** **Division Four @ 8:30 a.m., Courtroom 2046**

13 **TUESDAY:** **Commissioner Two @ 8:30 a.m., Courtroom 3027**

14 **WEDNESDAY:** **Division Six @ 8:30 a.m., Courtroom 2028**

15 **THURSDAY:** **Division Five @ 8:30 a.m., Courtroom 3024**

16 **FRIDAY:** **Division Six @ 8:30 a.m., Courtroom 2028**

17
18 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
19 Presiding Judge, the Honorable John Paul Plante, Division Two, shall continue to
20 assume the primary assignment of all matters pertaining to a **GRAND JURY**
21 requiring the attention of a Superior Court Judge in Yuma County.

22
23 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
24 Presiding Judge, **ARRAIGNMENTS** shall be heard by the Honorable David M. Haws,
25 Division Four, on Mondays commencing at 8:30 a.m., unless the date and time is
26 rescheduled by order of the court.
27
28

1 **IT IS ORDERED**, effective **April 16, 2018**, all defendants placed into the
2 **MENTAL HEALTH SPECIALTY COURT** shall be assigned to the part-time Judge
3 Pro Tem. Mental Health Court shall be heard on Mondays commencing at 2:00 p.m.,
4 unless the date and time is rescheduled by order of the court.

5 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
6 Presiding Judge, that all cases of the **ADULT DRUG COURT** shall be assigned to
7 Commissioner Two and Division Four. Commissioner Two Adult Drug Court shall be
8 heard on Fridays at 3:00 p.m. Division Four Adult Drug Court shall be heard on
9 Thursdays at 3:00 p.m.
10

11 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
12 Presiding Judge, **DOMESTIC RELATIONS CASES** filed *beginning April 16, 2018*,
13 shall be assigned as follows:
14

- 15 (1) All numbered cases, the last digit of which is "0", "1", "2" or "3", shall be
16 assigned to Division Two, the Honorable John Paul Plante.
17
18 (2) All numbered cases, the last digit of which is "4", "5" or "6" shall be
19 assigned to Commissioner Two, the Honorable Stephen J. Rouff.
20
21 (3) All numbered cases, the last digit of which is "7", "8" or "9", shall be
22 assigned to Commissioner Three, the Honorable Levi Gunderson.

23 **IT IS ORDERED**, beginning **JULY 1, 2018**, and until further order of the
24 Presiding Judge, all **TITLE IV-D** child support actions initiated by the Arizona
25 Attorney General's Office shall ***be heard by*** the Honorable Levi Gunderson,
26 Commissioner Three.

27 **IT IS ORDERED**, all domestic relations cases *filed prior to April 16, 2018*,
28 and assigned to:

1 (1) The Honorable John Paul Plante, Division Two, shall remain assigned
2 to the Honorable John Paul Plante.

3 (2) The Honorable Stephen J. Rouff, Commissioner Two, shall remain
4 assigned to the Honorable Stephen J. Rouff.

5 (3) The Honorable Levi Gunderson, Commissioner Three, shall remain
6 assigned to the Honorable Levi Gunderson.
7

8 **IT IS ORDERED** that *all domestic relations cases filed prior to April 16,*
9 **2018** that come on before the court for hearing or review after **April 16, 2018**, which
10 are not assigned/reassigned to the Honorable John Paul Plante, the Honorable
11 Stephen J. Rouff, or the Honorable Levi Gunderson, shall be reassigned by written
12 order.
13

14 **IT IS ORDERED**, effective **April 16, 2018**, and until further order of the
15 Presiding Judge, all domestic relations **DEFAULT** actions shall be heard by the
16 Honorable John Paul Plante, Division Two, on Monday afternoons at 1:30 p.m.
17

18 **IT IS ORDERED**, beginning with cases filed *on or after April 16, 2018*, and
19 until further order of the Presiding Judge, that the Clerk of the Superior Court shall
20 assign **CIVIL CASES** as follows:

21 (1) All Civil cases shall be assigned to Division Three, the Honorable Larry
22 Kenworthy.
23

24 **IT IS ORDERED**, all civil cases *filed prior to April 16, 2018*, and assigned to:

25 (1) The Honorable John Paul Plante, Division Two, shall remain assigned to
26 the Honorable John Paul Plante.

27 (2) The Honorable Larry Kenworthy, Division Three, shall continue to be
28 assigned to the Honorable Larry Kenworthy.

1 (3) The Honorable Levi Gunderson, Commissioner Three, shall remain
2 assigned to the Honorable Levi Gunderson.

3 **IT IS ORDERED** that *all civil cases filed prior to April 16, 2018* that come on
4 before the court for hearing or review after **April 16, 2018**, which are not
5 assigned/reassigned to the Honorable Larry Kenworthy, Honorable John Paul Plante,
6 or the Honorable Levi Gunderson, shall be reassigned to the Honorable Larry
7 Kenworthy, *unless previously noticed or recused in that case*.

9 **IT IS ORDERED**, beginning with cases filed *on or after April 16, 2018*,
10 and until further order of the Presiding Judge, the **PROBATE/GUARDIANSHIP**
11 **CASE** assignments shall be as follows:

- 12 (1) All probate/guardianship cases shall be assigned on a rotation basis to
13 the Honorable Brandon S. Kinsey, Division Six, and to the Honorable
14 Roger A. Nelson, Division Five, with all odd numbered cases being
15 assigned to Division Six and all even numbered cases being assigned
16 to Division Five.

17 **IT IS FURTHER ORDERED** that as to Probate/Guardianship cases filed *prior*
18 *to April 16, 2018* that come before the court for hearing shall be assigned in the
19 same manner with Division Five being assigned all even numbered cases and
20 Division Six being assigned all odd numbered cases.

21 **IT IS ORDERED**, beginning **April 16, 2018**, and until further order of the
22 Presiding Judge, the **TITLE 36 MENTAL HEALTH CASE** assignments shall be as
23 follows:

- 24 (1) All Title 36 mental health cases filed *beginning* April 16, 2018, shall be
25 assigned to the Honorable Brandon S. Kinsey, Division Six.

- 1 (2) Any Title 36 mental health cases filed *prior to* April 16, 2018, that come
2 before the court for hearing or review, shall automatically be reassigned
3 to the Honorable Brandon S. Kinsey, Division Six.

4 **IT IS ORDERED**, beginning **April 16, 2018**, and until further order of the
5 Presiding Judge, the **ELECTION CONTEST** assignments shall continue to be as
6 follows:
7

- 8 (1) All "election contest" cases shall be assigned to the Honorable Larry
9 Kenworthy, Division Three; and
10 (2) Division Three of the Superior Court in Yuma County shall be
11 designated the "election division" of the Superior Court in Yuma County.
12

13 **IT IS ORDERED**, beginning **April 16, 2018**, and until further order of the
14 Presiding Judge, the **SEXUALLY VIOLENT PERSON CASE** assignments shall be
15 as follows:

- 16 (1) All civil cases where a petition has been filed seeking an order of the
17 court to detain a person as a Sexually Violent Person pursuant to the
18 Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, shall
19 be assigned to the Honorable David M. Haws, Division Four. Cases
20 filed prior to April 16, 2018, that come before the court for hearing or
21 review shall be automatically reassigned to the Honorable David M.
22 Haws, Division Four.
23
24

25 **IT IS ORDERED**, that effective **April 16, 2018**, and until further order of the
26 Presiding Judge, the **ADOPTION CASE** assignments shall continue to be assigned
27 as follows:
28

- 1 (1) All adoption cases shall be assigned on a rotation basis to the
2 Honorable Kathryn Stocking-Tate, Commissioner One, and to the
3 Honorable Mark Wayne Reeves, Division One, with all odd numbered
4 cases being assigned to the Honorable Kathryn Stocking-Tate,
5 Commissioner One, and all even numbered cases being assigned to
6 the Honorable Mark Wayne Reeves, Division One; and
7
8 (2) Any adoption case filed *prior to* April 16, 2018, that come before the
9 court for hearing or review, shall be automatically assigned on a
10 rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner
11 One, and the Honorable Mark Wayne Reeves, Division One, according
12 to the numbering system above.
13

14 Notwithstanding the foregoing judicial assignments, during the absence or
15 unavailability of any Superior Court Judge/Commissioner, another Superior Court
16 Judge or Commissioner/Pro Tem may be substituted in his or her place.
17

18 DATED this 16th day of April, 2018.

19
20
21 
22 Honorable David M. Haws
23 Presiding Judge
24
25
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27
28

Copies to:

Hon. Mark Wayne Reeves, Division One
Hon. John Paul Plante, Division Two
Hon. Larry Kenworthy, Three
Hon. David M. Haws, Division Four
Hon. Roger A. Nelson, Division Five
Hon. Brandon S. Kinsey, Division Six
Hon. Kathryn Stocking-Tate, Commissioner One
Hon. Stephen J. Rouff, Commissioner Two
Hon. Levi Gunderson, Commissioner Three
Hon. Gregory Stewart, First Precinct Justice Court
Hon. Juan Guerrero, Second Precinct Justice Court
Hon. Russ Jones, Third Precinct Justice Court
Hon. Lynn Fazz, Clerk of the Superior Court
Kathy Schaben, Court Administrator
Nancy Gray Eade, Deputy Court Administrator
Sharayah Montgomery, Court IT Manager
Sandra Hoppough, Chief Adult Probation Officer
Tim Hardy, Director of Juvenile Court Services
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
Terri Capozzi, Yuma Legal Defender
Shannon Gunderman, Conflict Administrator
Dona Miller-Robbins, Casflow Manager
Yuma County Bar